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27195 7590 03/11/2009 AMIN, TUROCY & CALVIN, LLP 127 Public Square 57th Floor, Key Tower CLEVELAND, OH 44114			EXAMINER HUYNH, SON P	
			ART UNIT 2424	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 09/650,375	Applicant(s) WONG ET AL.	
	Examiner SON P. HUYNH	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2009 and 14 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-34,36-42,44,46 and 48-67 is/are pending in the application.
- 4a) Of the above claim(s) 24-29,32-34,36-39,42,44,46 and 48-50 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-23,30,31,40,41 and 51-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of group I (claims 1-2, 5-23, 30-31, 40-41, 51-67 in the reply filed on 1/20/09 is acknowledged.

Response to Arguments

2. Applicant's arguments with respect to claims 1-2, 5-23, 30-31, 40-41, 51-67 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues the cited reference does not disclose a token that can be both utilized by a user to effect recording of an audio-visual program represented by the token and transmitted to a second user via e-mail (page 20, last paragraph). This argument is respectfully traversed.

Claim 59 recites "...transmitting the token to the user via a communication link, the received tokens utilized by the user to effect recording of the audio-visual program on a recording device and operable to be transmitted by the first user to an e-mail address associated with a second user."

It is noted that the term "operable" just suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not

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limit the scope of a claim or claim limitation (M.P.E.P 2106 (II) (C)). Therefore, in this case, the received token to be transmitted by the first user to an e-mail address associated with a second user is not required to be performed.

Ellis discloses the program guide information including title, program identifier, recording schedule, or program time, or channel, etc. are used to record programs at different recording devices at different location. Ellis further discloses the program guide information used for recording at one device can be sent to another recording device for recording a program (for example, title, time, channel information, etc. used for recording video program at the remote access device or primary device or remote server or local server can sent to another recording device associated with secondary user television or another user television equipment. Ellis also discloses the program guide information can be sent as email message to another device - see include, but are not limited to, E208: paragraphs 79, 86, 91, 97, 99, 103, 119, 127, 163, 173, 180, 187, 191, 194, 197, 205-206, 211, 218-220; E988: paragraphs 0074, 0153, 174, 198; McKissick: paragraphs 0062-63, 83-86, 92-93, 137, 140). Therefore, Ellis discloses "...transmitting the token to the user via a communication link, the received tokens utilized by the user to effect recording of the audio-visual program on a recording device and operable to be transmitted by the first user to an e-mail address associated with a second user." (interpreted as transmitting program guide information include title, time, recording information, etc. to user at remote access device and/or primary television equipment and/or secondary television equipment via a communication connected between this devices, the program guide information includes title, channel, time, etc.

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utilized by the user to set up recording schedule of program on a recording device associated with remote access device, primary user television, local server, or remote server, and operable to be transmitted by the user associated with the remote access device and/or primary device/or remote server to an email address associated with a second user at second location such as user at secondary user television equipment or recipient associated with another device).

For the reasons given above, rejections on the claims are analyzed as discussed below.

Claims 24-29, 32-34, 36-39, 42, 44, 46, 48-50 have been withdrawn.

Claims 3-4, 35, 43, 45, 47 have been canceled.

Note: application No. 09/330,792 (U.S 2005/0204388 – referred as Knudson), application No. 09/356,245 (US 2006/0190966 A1 – referred as McKissick), application No. 09/332,244 (US 2003/0149988 – referred to as E988), application No. 09/356.161 (US 2005/0251827 A1- referred to as E827) are incorporated by references in their entirety in U.S 2005/0028208 A1 (referred to as E208) – see E208: paragraphs 0087, 0079, 0119, 0123, 0127-0128, 0179-0180, 0222). Therefore, these applications in their entirety are treated as part of the text of E208 (see M.P.E.P 2163.07 (b) [R-3]).

Claim Rejections - 35 USC § 112

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3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 15-23, 41, 59-67 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 recites the limitation "the second computer" in line 13. There is insufficient antecedent basis for this limitation in the claim.

Claim 41 recites the limitation "the at least one of an audio and visual program" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 59 recites the limitation "the first user" in line 16. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1-2, 5-11, 30-31, 40-41, 51-67 rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (US 2005/0028,208 –referred to as E208) in view of Abecassis (US 6,038,387).

Note: all documents incorporated by reference in their entirety and/or parent applications of E208 and Abecassis are treated as portion of specification of E208 or Abecassis.

Regarding claim 1, E208 discloses main facility 12 or television distribution facility 16 stores a plurality of program guide information in a program guide server (figures 1-2d). The program guide information includes television program listings data (e.g., program times, channels, titles, and descriptions) and other program guide data for additional services other than television program listings (e.g., pay per view information, weather information, associated internet web link, computer software, etc. – paragraphs 0067). The main facility and/or television distribution facility is programmed to provide the program guide information to remote program guide access device and user television equipment 22 based on received selection criteria (program guide feature) such as list of favorite programs, parental control features, schedule program recording feature, etc. (including, but are not limited to, paragraphs 0069-0072, 0097, 0101, 0103, 0108-0112, 0117-0118, 0126-0127, 0220, figures 1, 2c-2d, 27, 29-31). Thus, the limitation “server computer storing a plurality of tokens” is met by main facility, or television distribution facility, or user television equipment storing program guide features/information including program channel, program description, program title, time, segment identifier,

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or episode identifier, etc., (also see figures 7-11, paragraph 0087; E988: figures 10-14e, 25a-25b, 29-31; Knudson: figures 7,10-11); the “remote computer” as claimed is met remote program guide access device 24, or user television equipment(s), wherein the “token” as claimed is met by the program guide information/feature including title, channel, identifier, or time, or description, etc. of episode of video program or super-program (see include, but are not limited to, paragraph 0088-0087, 0185-0188, figures 3, 27, 29-31; E988: figures 10-14e, 25a-25b, 29-31, paragraphs 0082, 0094-0096; Knudson figures 7-11); the claimed limitation “at least two of the plurality of tokens identifying a disparate one of at least two segments of a predetermined one of an audio and visual program” is interpreted as at least two of segment descriptor, title information, episode identifiers of the program title, channel, super program, or series information, etc. identifying a disparate one of at least two segments/episodes of one of an audio and visual program/super program/series (see include, but are not limited to, paragraph 0088-0087, 0185-0188, figures 3, 27, 29-31; E988: figures 10-14e, 25a-25b, 29-31, paragraphs 0082, 0094-0096; Knudson figures 7-11);

“wherein the server is programmed to provide at least one token to a remote computer based on received selection criteria” is met by the main facility, or television facility (16) and/or user equipment (22) is programmed to provide program guide feature (providing identifier, channel, title, or time, etc. of episode, or program, in program listings, information of favorite program, program to be recorded, or reminder, etc.) to remote access device or one of the user television equipment as email attachment based on selection criteria received from the user (e.g., via link 19 or one of the remote control or

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user input device – see including, but are not limited to, paragraphs 79, 86, 91, 97, 99, 103, 106, 0110, 0119-0127, 163, 173, 180, 187- 0188, 0191, 194, 197, 205-206, 211),

“the remote computer utilizing at least two tokens to selectively combine at least two program segments based on at least in part upon viewing characteristics of one or more users at the remote computer” (interpreted as the remote access device or user television equipment utilizes at least two episode/segment identifiers, or air times, or program titles, etc. to selectively combine at least two program segments of a program, or two episodes of a super program/series, or two video clips/advertisements of the same category, etc. based on at least in part upon viewing characteristic of the remote access device or user television equipment, the viewing characteristics comprising at least type of show being view such as movie, video on demand, super program, or series, etc. – see include, but are not limited to, paragraphs 0123-0124, 0127-0128, 0156, 0191; E988: figures 22, 25a-25b, 29-31; Knudson: figures 7-11).

E208 further teaches program guide information, or program guide features are provided to remote access device or user television equipment using e-mail application (see including, but are not limited to, paragraphs 79, 86, 91, 97, 99, 103, 106, 0110, 0119-0127, 163, 173, 180, 187- 0188, 0191, 194, 197, 205-206, 211; Messages such as reminder message, notification including program information such as title, time, etc. is sent to the user television equipment or remote access device as email – see include, but are not limited to, figures 4, 15, paragraphs 0063, 0086, 0116, 0118, 0121, 0124, 0140). It would have been obvious to one of ordinary skill in the art to include in the email the information as an attachment (either file attached with only file name display or all

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components of the file included in the message body) in order to yield predictable results such as improve convenience for user.

Ellis further discloses user profile comprises birth date, place of residence, age, etc. (see include, but are not limited to, McKissick: paragraphs 0087, 0140). However, Ellis does not explicitly the viewing characteristic, which is at least in part used to selectively combine at least two segments, comprising at least an age of the one or more user.

Abecassis discloses utilizing at least two tokens to selectively combine at least two program segments based at least in part upon viewing characteristic of one or more user at a remote computer, the viewing characteristics comprising at least an age of the one or more users (e.g., utilizing program information, segment information, etc. to selective combining segments associated with “R” version of a film for parent and combine segments associated with “G” version of the same file for a child – see include, but are not limited to, col. 29, lines 16-37, col. 30, lines 53-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis with the teaching as taught by Abecassis in order to yield predictable results such as ensuring that children are not exposed to unsuitable viewing material (see include, but is not limited to, col. 4, lines 5-10).

Regarding claim 2, E208 in view of Abecassis teaches a system as discussed in the rejection of claim 1. E208 further teaches the server is programmed to transmit a message to the remote computer based on the selection criteria, the message including

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the at least one token (e.g., the television distribution facility sends a message/reminder to remote program guide access device 24 or user television equipment based on a selection criteria such as recording information, status information, message information, audio and video, or reminder setting, etc. paragraphs 0103-0104; the message include program guide information/program guide feature including program title, channel, time, etc. – see including, but are not limited to, paragraphs 0106-0107, 0119; E988: paragraphs 74, 153; McKissick: figures 15-16; paragraphs 62-63, 83-86, 92-93, 137, 140).

Regarding claim 5, E208 in view of Abecassis teaches a system as discussed in the rejection of claim 1. E208 further teaches the server computer is programmed to store corresponding program data as an attribute of each token, the server providing corresponding program data with each token (main facility or television distribution facility or user equipment is programmed to store programs and program data corresponding to program guide information/program guide feature, the main facility or television distribution facility or user equipment provides corresponding program and program data with each program guide information/program guide feature including channel, title, etc. see include, but are not limited to, paragraphs 0066-0067, 0110, 0115; E988: figures 2d, 7).

Regarding claim 6, E208 in view of Abecassis teaches a system as discussed in the rejection of claim 1. E208 additionally teaches a program database is stored at the

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server computer, the program database including the plurality of tokens identifying a plurality of at least one of audio and visual programs (program guide server, which is located either at distribution facility or main facility, or user equipment stores program guide information/program guide feature and program data – paragraphs 0065-0066, 0073). The program guide information/program guide feature may includes television program listing such as program times, channels, titles, and descriptions, etc. paragraph 0067, figure 8; E988: figures 2e, 10, 18e, 25a-25b).

Regarding claim 7, E208 in view of Abecassis teaches a system as discussed in the rejection of claim 1. E208 also discloses program guide server 25 may, for example, generate program guide display screens as digital frames and distribute the frames to user television equipment 22 for display by an interactive program guide client implemented on user television equipment 22. Program guide server 25 may run a suitable database engine, such a SQL server, and provide program guide data in response to queries generated by user television equipment 22 or remote program guide access device 24 (paragraph 0073). In response to user selection on program guide display screen to select a particular program to record, the server is programmed to record the selected program on predetermined digital or analog storage device (figures 2c-5, 19 and paragraphs 0163-0164). Inherently, in response to a translation request (request for program guide display screen), the server is programmed to translate a token into a usable format (generate program guide display screens suitable to display) for programming a recording system to record a predetermined at least one

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of audio and visual program in a tuning space (storage device, channel) associated with the recording system.

Regarding claim 8, E208 in view of Abecassis teaches a system as discussed in the rejection of claim 7. E208 further teaches select tuning space based on identifying data provided with the translation request (figures 10-11).

Regarding claim 9, E208 in view of Abecassis teaches a system as discussed in the rejection of claim 8. E208 further discloses the server provides selected program to a predetermined storage device selected by the user (see include, but is not limited to, figures 11, 19 and paragraphs 0087, 0163-0164, 0187-0188, 0194, 0197, 0220; E827: figure 27). Inherently, the server stores a unique identifier for each recording system registered with the server, each unique identifier being associated with tuning space information for each respective recording system so that the server is able to provide selected program to predetermined recording system.

Regarding claim 10, E208 in view of Abecassis teaches a system as discussed in the rejection of claim 9. E208 also teaches the useable format includes programming data identifying at least two of date, channel, time, duration associated with each token provided with the translation request (see include, but is not limited to, figures 10-11).

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Regarding claim 11, E208 in view of Abecassis teaches a system as discussed in the rejection of claim 1. E208 discloses program guide information is stored in television program guide equipment 17 (paragraph 0073, figures 2c, 2d). Appropriate commands, requests, or other communications may be transmitted by remote program guide access device 24 for processing by program guide server 25. If any changes to program guide settings are made (e.g., change to the parental control setting), program guide server may, for example, update a local program guide client running on user television equipment 22 with necessarily information (paragraph 0075). Inherently, the server is programmed to store plurality of tokens (program guide information/program guide feature) as part of a programmable database (e.g., local program guide), the server updating the programmable database in response to receiving an update request at the server (e.g. changes to program guide setting are made).

Regarding claim 30, the limitations of the method that correspond to the limitations of the system being claimed in claim 1 are analyzed as discussed in the rejection of claim 1, wherein the first computer correspond to the server as claimed in claim 1, the second server as claimed is read on either user television equipment or remote access device 24 (see include, but are not limited to, E208: figures 1-2d, 29-31, paragraphs 0087, 0108-0112), the “demographic data” corresponds to data include age of user as indicated in the rejection of claim 1.

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Regarding claim 31, E208 further discloses the program guide information is organized different category. In response to user selection of a particular category, only program guide information/program guide feature associated with the selected category is displayed/performed (paragraph 0112). Inherently, a program database is searched for the token based on the selection criteria so that the program information is displayed in organization criteria (e.g. time, theme, etc.).

Regarding claim 40, E208 discloses a system to facilitate remote programming of a recording system, comprising:

television distribution facility 16 and/or user television equipment receives information indicating the user who scheduled one or more programs or super program for recording and storing this information in the remote server or program guide or user television equipment (see include, but are not limited to, paragraph 0127, McKissick: figures 14-17, 19; E827: figures 13-15, 27, 29-30; E988: figures 2b, 2c, 4-6, 10-14e). Television distribution facility 16 also receives a request for one or more programs or super program to be recorded in a particular storage device (25, 31, 32, or 56, or storage device at different locations; see include, but are not limited to, E827: figures 27, 29-30). In response to the request, the selected program(s) is/are recorded in the predetermined storage device (paragraphs 0127, 0163-0164, 0220-0222, figure 19). Thus, the server (distribution facility 16 and/or user television equipment) operable to receive a plurality of tokens (program guide information/feature associated with programs selected by user(s)), each token having data identifying at least one of a user

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(who schedules selected program(s) to be recorded or who receives the selected program(s)) and a recording system (storage device used to record the selected program(s)) and identifying a plurality of segments of program data associated with an audio-visual program (identifying a plurality of segments/episodes/shows of program data associated with program/super-program to be recorded or played back— see include, but are not limited to, E988: figures 25a-25b, 29-31, paragraphs 0094-0096, 0173; Knudson: figures 7,10), the server being operable to communicate program data, based on the token, to a programmable recording system to effect programming of the recording system to record the audio-visual program (communicate program data/program guide feature to storage device used to record the selected program or selected episodes/shows of super program),

the additional limitations that correspond to the additional limitations of claim 1 are analyzed as discussed in the rejection of claim 1.

Regarding claim 41, E208 in view of Abecassis discloses the system as discussed in the rejection of claim 40. E208 further teaches the server (16 or user television connected directly to the television distribution facility) is a first server, the token being provided as a request from a second server (secondary user television or user television equipment at another location (e.g. children's room, den, etc. or remote program guide access device 24 or— see include, but is not limited to, paragraph 0127, 0134, 0219-0222; E827: figures 27-29) in response to a user selection associated with the at least one of an audio and visual program.

Regarding claim 51, E208 teaches a computer-implemented method comprising:

transmitting for display on a remote computer information about audio-visual content (transmitting program guide information/program guide feature about television program, video or other audio-visual content to television distribution facility, user equipment, remote program guide access device 24 – figures 2c-2d and paragraphs 0073, 0100-0101; E988: figures 2a, 7, 10-14e);

receiving from the user computer a selection of the content (see include, but are not limited to, paragraphs 0108-0112, 0127; E988: figures 4-6, 8, 10-14e);

constructing a plurality of tokens (constructing program guide information/feature including plurality of title, identifier, channel, etc. see include, but are not limited to, figures 1-10, paragraphs 0067, 0108-0110; E988: figures 1-2b, 10-14e, paragraphs 0058-0060);

transmitting at least two of the plurality of tokens to effect recording of a program corresponding to the program content (e.g., transmitting at least two program/episode identifier, title, start time, etc. for use in recording the selected program – see include, but are not limited to, paragraphs 0117-0119, 0127, 0134; E988: figures 10-14e).

for limitations that correspond to the limitations of claim 30 are analyzed as discussed in the rejection of claim 30.

Regarding claim 52, E208 in view of Abecassis discloses the method as discussed in the rejection of claim 51. E208 further teaches the tokens are transmitted to the remote

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computer (e.g., program/episode listing, identifier, etc. are transmitted to remote program guide access device 24 or user television equipment at remote location— see include, but are not limited to, figures 2a-2d, paragraphs 0108-0112, 0127, 0134, 0219-0222).

Regarding claim 53, E208 in view of Abecassis discloses the method as discussed in the rejection of claim 51. E208 also teaches the tokens are transmitted to a recording system (e.g., storage devices 31, 32, etc. in user television equipment – paragraph 0127, 0134, 0219-0222; E988: figures 4, 5, 7, 9).

Regarding claim 54, E208 in view of Abecassis discloses the method as discussed in the rejection of claim 51. E208 further teaches the tokens are transmitted to a server (server 25, or user television equipment/central server connected directly with the television distribution facility – see include, but is not limited to, paragraphs 0127, 0134, figures 2a-2d, 29-31; E988: figures 2a-2c, 4-5, 7, 9).

Regarding claim 55, E208 in view of Abecassis discloses the method as discussed in the rejection of claim 51. E208 further discloses the information indicating the user who scheduled a program for recording, may also be recorded by the program guide or remote program guide access device (see include, but is not limited to, paragraphs 0127, 0134; McKissick: figures 27-31, E827: figures 27-29; E988: figures 4-6). Thus,

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information identifying the user is received (either user selects program for recording or user receives the program).

Regarding claim 56, E208 in view of Abecassis discloses the method as discussed in the rejection of claim 51. E208 further discloses the selected program may be stored on secondary storage device 32, digital storage device 31, on storage device 56 of remote program guide access device 24, or storage device at another location (paragraphs 0127, 0163-0164, 0219-0220; 827: figures 27-31). Inherently, information identifying a device associated with the user is received so that the selected program is stored in a predetermined storage device.

Regarding claim 57, E208 in view of Abecassis discloses the method as discussed in the rejection of claim 51. E208 further discloses the program listing information includes program channels (paragraph 0067). The remote program guide may respond to the command by sending one or more access communications to the local interactive program guide implemented in equipment 17 with the remote program guide access device 24 to record the program associated with the selected listing when the program is aired. The program may be recorded on storage device 32, digital storage device 31 or on storage 56 of remote program guide access device (see include, but is not limited to, paragraph 0127). Thus, the information identifying a local tuning space (e.g. program channel), system configuration for a device (for example, set control circuitry 42 to a specific channel) is also received.

Regarding claim 58, the limitations as claimed are directed toward embodying the method of claim 51 in “computer readable medium”. It would have been obvious to embody the procedures of E208 in view of Abecassis discussed with respect to the rejections of claim 51 in a “computer readable medium” in order that the instructions could be automatically performed by a processor.

Regarding claim 59, E208 teaches a computer implemented method comprising:

storing programming information (see include, but are not limited to, paragraphs 0082-0085; E988: figures 2a-2e, 7, 9);

receiving from a computer user information (who set a reminder, who scheduled program or super program for recording, etc. 0108-0127; E988: figures 4-6, 14a-14e) and information describing an audio-visual program (e.g., times, titles, identifier, etc. of episode/program to be recorded – paragraphs 0099-100, E388: figures 7,10; E988: figures 4-6,10-14e);

using the stored programming information and the user information to construct tokens that includes information sufficient to program a recording system to record the audio-visual program, the audio-visual program comprising a plurality of segments , each program segment corresponding to a disparate token (using the program guide information/program guide feature and user information to construct a recording request that allow the recording system to record a program into specific storage device, the program or super program comprises a plurality of segments, episodes, or shows, each segment, episode, or show corresponding to a title, identifier, episode information, etc.-

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see include, but is not limited to, paragraphs 0099-100, 0127, 0220, E988: figures 6a-6b, 25a-25b, paragraphs 0082, 0094-0096, 0173-0181);

transmitting the tokens to the user via a communication link, the received tokens utilized by the user to effect recording of the audio-visual program on a recording device and operable to be transmitted by a first user to an e-mail address associated with a second user (interpreted as transmitting program guide information/feature comprising title, time, recording information, or episode information, etc. via communication between devices to user at remote access device and/or primary television equipment and/or secondary television equipment via a communication connected between this devices, the program guide information includes title, channel, time, etc. utilized by the user to set up recording schedule of program on a recording device associated with remote access device, primary user television, local server, or remote server, and operable to be transmitted by the user associated with the remote access device and/or primary device/or remote server to an email address associated with a second user at second location such as user at secondary user television equipment or recipient associated with another device- see include, but are not limited to, see include, but are not limited to, E208: figures 1-2d, paragraphs 79, 86, 91, 97, 99, 103, 119, 127, 163, 173, 180, 187, 191, 194, 197, 205-206, 211, 218-220; E988: figures 4-6, paragraphs 0074, 0153, 174, 198; McKissick: paragraphs 0062-63, 83-86, 92-93, 137, 140 and discussion in “response to arguments” above).

The limitations that correspond to the limitations of claim 1 are analyzed as discussed in the rejection of claim 1.

Regarding claim 60, E208 in view of Abecassis discloses the method as discussed in the rejection of claim 59. E208 further teaches the computer is a remote computer (paragraph 0092);

Regarding claim 61, E208 in view of Abecassis discloses the method as discussed in the rejection of claim 60. E208 further teaches the remote computer is a portable computer (paragraph 0092).

Regarding claim 62, E208 in view of Abecassis discloses the method as discussed in the rejection of claim 59. E208 further teaches the computer is a server (figure 2c, 2d, 29-31).

Regarding claim 63, E208 in view of Abecassis discloses the method as discussed in the rejection of claim 59. E208 further teaches the user information includes information identifying characteristic of a device associated with the user (VCR, DVD, set top box with cable modem – figure 11).

Regarding claims 64-66, the additional limitations as claimed correspond to the additional limitations as claimed in claims 52-54 and are analyzed as discussed with respect to the rejections of claims 52-54.

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Regarding claim 67, the limitations as claimed are directed toward embodying the method of claim 59 in “computer readable medium”. It would have been obvious to embody the procedures of E208 discussed with respect to the rejections of claim 59 in a “computer readable medium” in order that the instructions could be automatically performed by a processor.

7. Claims 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over E208.

Regarding claim 15, the limitations that are directed toward embodying the system of claims 1-2 in “computer readable medium” are analyzed as discussed in the rejection of claims 1-2;

In addition, limitation “a message component in which at least one token is transmitted to a first user in response to a request for the at least one token from the first computer” is interpreted as message component in which at least one attribute of program information such as program/episode/segment identifier, name, time, etc. is transmitted to user at remote access device, or user at the primary user television equipment, or user at the another user television equipment or user at another location in response to a request for setting a reminder, setting for recording, etc. from the remote access device, primary user television, or other user television equipment, etc. – see include, but are not limited to, figures 19, 27,29,31, paragraphs 0087, 0186-0189, 0191, 0194,

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0196, 0198-0199, 0204, 0217-0220; E827: figure 27; McKissick: figures 15-16; E988: figures 2a, 2d, 7, 9-14e),

“the at least one token is utilized to program a first recording device to record the audio-visual program represented by the token by transferring the at least one token from the first computer to the first recording device” is interpreted as the information including time, location, program/episode/segment identifier, etc. in recording settings, reminder settings, etc. is used to program a recording device associated with the remote access device, or remote server, or primary user television to record the selected program or selected shows/episodes of super program represented by the title, program description, etc. by transferring the at least one title, channel, time, or program description, etc. from the remote access device, remote server, or primary user television to the recording device selected by the user – see include, but are not limited to, paragraphs 0087, 0186-0194, 0218-0220; E827: figure 27; McKissick: figures 15-16 and discussion in “response to arguments” above);

the at least one token is transferable from the first computer to a second computer as an email, the email token utilized to program a second recording device to record the audio-visual program by transferring the emailed token from the second computer to the second recording device (e.g., at least one program title, identifier, time, recording information, etc. is transferable from the remote access device, remote server, or primary user television equipment to secondary user television equipment or user equipment at another location as an email, the email title, recording information, etc. utilized to program a recording device at another location to record selected

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program/super program by transferring the emailed title, recording information, etc. from secondary user television equipment or another user television equipment to recording device associated with secondary user television equipment or another device – see include, but are not limited to, see include, but are not limited to, E208: figures 19, 27, 29, 31, paragraphs 79, 86-87, 91, 97, 99, 103, 119, 127, 163, 173, 180, 186-189, 191, 194, 197-199, 204-206, 211, 217-220; E988: paragraphs 0074, 0153, 174, 198; McKissick: paragraphs 0062-63, 83-86, 92-93, 137, 140, and discussion in “response to arguments” above).

It would have been obvious to one of ordinary skill in the art to include in the email the token/program information as an attachment (either file attached with only file name display or all components of the file included in the message body) in order to yield predictable results such as improve convenience for user.

It would have been obvious to embody the procedures discussed above in a “computer readable medium” in order that the instructions could be automatically performed by a processor.

Regarding claim 16, E208 further discloses a user interface component (display 148 – figure 7) for receiving selection criteria having program characteristic (program times, title, channel, etc. figure 7) indicative of at least one of an audio and visual program. It would have been obvious that computer executable components are provided in order that a processor could automatically perform the instructions

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Regarding claim 17, E208 further discloses the program guide information is organized different category. In response to user selection of a particular category, or particular program, or super program/series only program guide information associated with the selected category or program or super program, or series is displayed (see include, but is not limited to, paragraphs 0108-0112, E988: figures 10-14e). Inherently, a search component is comprised for locating at least one token (program guide information/program guide feature) from the token database component (e.g., program guide server or storage device that stores program guide information in user equipment or storage 56) based on selection criteria. It would have been obvious that computer executable components are provided in order that a processor could automatically perform the instructions.

Regarding claim 18, E208 further discloses program database component (program guide server 25, storage 56, storage device 31, 32 – figures 2c-5) that includes the token database component (program guide information/program guide feature – paragraphs 0098-0099), the program database component associating at least one attribute with each token (e.g. program guide feature including program times, titles, etc.) the at least one attribute being provided with the at least one token (program guide feature including program times, titles, etc. being provided with program guide information – paragraph 0067, figure 8). It would have been obvious that computer executable components are provided in order that a processor could automatically perform the instructions.

Regarding claims 19-20, the limitations as claimed are directed toward embodying the system of claims 7-8 in “computer readable medium”. It would have been obvious to embody the procedures of E208 discussed with respect to claims 7-8 in a “computer readable medium” in order that the instructions could be automatically performed by a processor.

Regarding claim 21, E208 further discloses if any changes to program guide settings are made, the program guide server may, for example, update a local program guide client running on user television equipment 22 with the necessarily information (see including, but is are not limited to, paragraph 0075). It would have been obvious that the token database component (program guide server) comprises computer executable component for updating in order that a processor could automatically perform the instructions.

8. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over E208 in view of Abecassis as applied to claim 11, above, and further in view of Knudson et al. (US 6,536,041)- referred to as Knudson041.

Regarding claim 12, E208 in view of Abecassis teaches a system as discussed in the rejection of claim 11. E208 further discloses program guide data may be provided by television distribution facility 16 to user television equipment 22 in a continuous stream

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or may be transmitted at a suitable time interval (paragraphs 0070-0071). However, E208 does not explicitly disclose notify the remote computer in response to receiving an update request that modifies program criteria for a program represented by the at least one token.

Knudson041 discloses television distribution facility 26 receives program guide data and real time data from sources 22 and 30, and stores the data into database 57 (col. 6, line 45-col. 7, line 27). The program guide data and real time data is displayed on the screen to user in response to user selection (col. 7, lines 47-63). The program guide data may be distributed to set top box 52 (via facility 26) periodically and stored in database 53. The program guide information includes real time data such as sports scores for games that have recently concluded (col. 7, lines 10-67 and figure 7). Thus, the server is programmed to notify the remote computer in response to receiving an update request that modifies program criteria for a program represented by the at least one token (providing recently program guide data and real time data to the display at the user equipment). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify E208 in view of Abecassis to use the teaching as taught by Knudson041 in order to provide update information to user thereby improve quality of services.

Regarding claim 13, E208 in view of Abecassis and Knudson041 discloses the system as discussed in the rejection of claim 12. Knudson041 further teaches the server (facility

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26- figure 1) stores a different identifiable characteristic for each token obtained from the server (facility 26 stores program channels, times, title, etc. in database 57 – figure 1 and col. 6, line 10-col. 7, line 27), the server employing an identifiable characteristic to notify the remote computer of changes in program criteria for a program represented by the at least one token (facility 26 provides update program guide data and update real time such as changes in sport scores, delay game, etc. to the user equipment for display – col. 6, line 10-col. 7, line 67).

Regarding claim 14, E208 in view of Abecassis and Knudson041 discloses the system as discussed in the rejection of claim 13. Knudson041 further teaches the server is program to provide at least one of a token and updated programming data to the remote computer in response to receiving an update request that modifies program criteria for a program represented by the at least one token previously provided to the remote computer (facility 26 provides program guide data (titles, channels, etc.) and updated programming data (e.g. sports scores, real time games statistics, game delay information, etc. – col. 6, line 10-col. 7, line 67).

9. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over E208 as applied to claim 15 above, and in view of Knudson et al. (US 6,536,041)-referred to as Knudson041.

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Regarding claims 22-23, the additional limitations that correspond to the additional limitations of claims 12 and 14 are analyzed as discussed in the rejection of claims 12 and 14. It would have been obvious to embody the procedures of E208 in view of Knudson041 discussed with respect to the rejections of claims 12, 14 in a “computer readable medium” in order that the instructions could be automatically performed by a processor.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Akamatsu et al. (US 7,224,886 B2) discloses method of using AV devices and AV device system.

Thomas et al. (US 2005/0149964) discloses program guide system with monitoring of advertisement usage and user activities.

Cannon (US 6,286,005 B1) discloses method and apparatus for analyzing data and advertising optimization according to user demographics.

Kuroda (US 6,311,011 B1) discloses device for recording video signals and device for displaying electronic program guide.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON P. HUYNH whose telephone number is (571)272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son P Huynh/
Primary Examiner, Art Unit 2424

March 4, 2009